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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/771,385	02/05/2004	Alex T. Beleski	2401-100	3045

7590 07/27/2006
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EXAMINER

NGUYEN, PHONG H

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 07/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/771,385

Applicant(s)

BELESKI, ALEX T.

Examiner

Phong H. Nguyen

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-25 and 27-31 is/are pending in the application.
- 4a) Of the above claim(s) 16, 17 and 27-29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-8, 10-15, 18-20, 23-25, 30 and 31 is/are rejected.
- 7) ☒ Claim(s) 9, 21 and 22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. In view of Applicant's amendments to the Specification, the drawings and the claims, the objections to the Specification and the Drawings, and the rejections under 35 USC 112 are withdrawn.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 6, 7, 18, 20, 24, 30 and 31 rejected under 35 U.S.C. 103(a) as being unpatentable over Gamble (5,226,345) in view of Gommper et al. (6,725,558 B2), hereinafter Gommper, and Carter (3,738,211).

Regarding claims 1-4, 6 and 7, Gamble teaches a guide for a power saw comprising a platform 12 and two runners (14, 16). See Figs. 1-3.

Gamble fails to teach a first guiding strip. Gommper teaches a first guiding strip 24. See Fig. 1. Therefore, it would have been obvious to one skilled in the art to provide a first guiding strip as taught by Gommper to the guide of Gamble so that one can cut strips with different widths.

Gamble fails to teach a second guiding strip. Carter teaches a second guiding strip 32. See Fig. 1. Therefore, it would have been obvious to one skilled in the art to

provide a second guiding strip as taught by Carter to the guide of Gamble so that one can make beveled cuts.

Regarding claim 18, the runner and the platform are connected together to form an one-piece guide.

Regarding claims 20 and 24, the first engagement point is the pivot point and the second engagement point and the third engagement point are located along a slot 38. See Fig. 1 in Carter.

Regarding claim 30, Gamble does not teach the height of the runners. However, providing the runners with a desired height so that it can accommodate a workpiece with a desired thickness is routine skill in the art.

Regarding claim 31, Gamble does not teach the distance between the two runners. However, providing a desired distance between the runners so that it can accommodate a workpiece with a desired width is routine skill in the art.

4. Claims 8, 12-14 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gamble in view of Gommper and Carter as applied to claims above, and further in view of Larson (2,637,358).

Regarding claim 8, the modified guide of Gamble teaches the invention substantially as claimed except for peg-locks and peg-holes. Larson teaches peg-locks 78 and peg-holes for holding a workpiece in place. See Fig. 1. Therefore, it would have been obvious to one skilled in the art to provide peg-locks and peg-holes as taught by Larson to the Gamble's guide for holding a workpiece in place.

Regarding claims 12 and 13, providing an appropriate distance between two rows of peg-holes for holding a workpiece having a desired width is routine skill in the art.

Regarding claim 14, using plastic to manufacture the guide of Gamble is routine skill in the art.

Regarding claim 19, using plastic to manufacture the peg-locks is routine skill in the art.

5. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gamble in view of Gommper and Carter as applied to claims above, and further in view of Larson and further in view of Bollmer (4,131,040).

Regarding claims 11 and 12, Larson teaches the peg-locks substantially as claimed except for each peg-lock having a shoulder. Bollmer teaches a peg-lock 27 having a shoulder. See Fig. 1. Therefore, it would have been obvious to one skilled in the art to provide peg-locks of Larson a shoulder as taught by Bollmer so that the peg-locks will be retained in the platform.

Allowable Subject Matter

6. Claims 9, 10, 21 and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

7. Applicant's arguments filed 04/03/2006 have been fully considered but they are not persuasive.

Applicant argues that the guide strip in Gommper does not engage the runners since Gommper does not teach the runner; and Carter's guide strip has a function different than that of Applicant. These arguments are not persuasive.

The Gommper's guide strip is in engagement with the Gamble's runners to cut a workpiece. The Gamble's runners guide two sides of the workpiece and Gommper's guide strip dictates a width of a to be cut portion of the workpiece.

The Carter's guide strip has a guiding function for bevel cuts which is the same as Applicant's intended use of the second guide strip.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

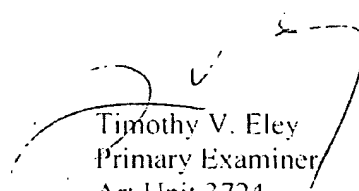
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phong H. Nguyen whose telephone number is 571-272-4510. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Timothy V. Eley
Primary Examiner
Art Unit 3724

PX 

July 10, 2006